

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

BRIAN RUSSELL LOCKE,
Petitioner,

v.

Case No. 11-CV-00364

MICHAEL BAENAN, Warden,
Green Bay Correctional Institution,
Respondent.

DECISION AND ORDER

On April 15, 2011, petitioner Brian Locke filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner is currently confined at Green Bay Correctional Institution. I screened the petition under Rule 4 of the Rules Governing § 2254 and found that petitioner had stated colorable claims under the Constitution. Before me now is petitioner's motion for reconsideration of his motion for appointment of counsel. I am reconsidering the motion at this time because petitioner has now presented the court with evidence of his attempts to secure private counsel.

Although petitioner does not have a constitutional or statutory right to counsel, this court has the discretion to request attorneys to represent indigents when the interests of justice so require. 18 U.S.C. § 3006A(a)(2)(B); see also Winsett v. Washington, 130 F.3d 269, 281 (7th Cir. 1997). As a threshold matter, litigants must make a reasonable attempt to secure private counsel. Winsett, 130 F.3d at 281. Once this threshold burden has been met, the court must address the following question: given the difficulty of the case, does

petitioner appear to be competent to try the case himself and, if not, would the presence of counsel likely make a difference in the outcome of the case. Id.

While petitioner has presented evidence of his unsuccessful attempts to obtain legal counsel on his own, the issues in this case appear at this stage to be straightforward. Moreover, petitioner's filings up to this point indicate that he is capable of litigating this case himself. Therefore, at this time, the court does not believe that the presence of counsel is likely to make a difference in the outcome of this case.

THEREFORE, IT IS ORDERED that petitioner's motion for reconsideration [Docket # 28] is **DENIED**.

Dated at Milwaukee, Wisconsin, this 1st day of December 2011.

s/_____
LYNN ADELMAN
District Judge